

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 10 OF 2007
IN
CRIMINAL APPEAL NO. 1284 OF 2006

Raju Ramdas Nalvade ..Applicant

versus

State of Maharashtra ..Respondents

Mr. A. P. Mundargi, Senior Advocate i/b. R. R. Mahagaonkar for the Applicant.

Dr. F. R. Shaikh, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
SMT. NISHITA MHATRE, JJ.

DATE : 27TH JUNE, 2007.

P.C.

1. We have heard this matter 2-3 times. Learned APP was asked to verify the antecedents of the applicant/ accused. On last occasion the learned APP gave particulars as per which 16 cases are pending against the applicant / accused. Wife of the applicant / accused has filed counter affidavit stating that in one of the cases cited by the learned APP, the accused is a complainant. He has been acquitted in almost all the cases and only

2 cases at Sr. Nos. 11 and 12 both under Sections 326 only are pending against him.

2. So far the incident in question is concerned, there are two eye witnesses. One of the eye witness was under the influence of liquor when he saw the incident. He is related to the deceased but he stated that after seeing the incident of assault, he went home and quietly slept without bothering to inform about the incident to anybody. Second eye witness has stated that he was hit by accused No. 2, he therefore ran away, but while running away when he looked back he saw the applicant - accused inflicting the blow. There is no incriminating evidence as against the applicant / accused, as per Mr. Mundargi. Further, Mr. Mundargi pointed out that the applicant / accused was himself injured and he has lodged complaint against the complainant's side and they were prosecuted but subsequently they were acquitted.

3. Looking to these facts, we allow this application. The Applicant / accused be released on P.R. Bond of Rs.7,500/- (Rupees Seven Thousand Five Hundred) with one solvent surety in the like amount.

He will attend the concerned police station once in a fortnight for a period of six months and thereafter once in a month till the appeal is decided. He will have to pay fine before he is released on bail. For six months the applicant / accused will not stay in Satara City and he should furnish his address to the Satara Police where he will be staying. His substantive sentence is suspended pending Appeal. Application is disposed of in the above terms.

(SMT. NISHITA MHATRE, J.)

(D.G. DESHPANDE, J.)